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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

VICTOR CANO MATA,

Defendant and Appellant.

F068209

(Super. Ct. No. F11905787)

**OPINION**

**THE COURT\***

APPEAL from a judgment of the Superior Court of Fresno County. F. Brian Alvarez, Judge.

J. Edward Jones, under appointment by the Court of Appeal, for Defendant and Appellant.

Kamala D. Harris, Attorney General, Michael P. Farrell, Assistant Attorney General, Carlos A. Martinez and Wanda Hill Rouzan, Deputy Attorneys General, for Plaintiff and Respondent.

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\* Before Gomes, Acting P.J., Poochigian, J. and Detjen, J.

Defendant Victor Cano Mata was convicted by a no contest plea of evading a peace officer while driving a motor vehicle in willful disregard for the safety of persons and property (Veh. Code, § 2800.2, subd. (a); count 1) and of driving under the influence of alcohol or drugs (Veh. Code, § 23152, subd. (a); count 4). The trial court sentenced him to three years in prison and granted him 606 days of custody credit and 302 days of conduct credit for a total credit of 908 days. On appeal, defendant contends the trial court should have awarded day-for-day conduct credits under Penal Code section 2933, amounting to 606 days (not 302 days) of conduct credit.

The People concede that defendant is entitled to an additional 304 days of conduct credit under the version of Penal Code section 2933 that was in effect when he committed his offense on September 25, 2011.<sup>1</sup> Accordingly, we will direct the trial court to amend the abstract of judgment to reflect an additional 304 days of conduct credit under the provisions of Penal Code section 2933 in effect at the time of defendant's offense.

### **DISPOSITION**

The trial court is directed to modify the minute order and abstract of judgment to reflect a grant of 606 days of conduct credit for a total credit of 1,212 days. The court is further directed to forward certified copies of the documents to the appropriate entities. As so modified, the judgment is affirmed.

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<sup>1</sup> The parties also agree that defendant is not entitled to day-for-day conduct credits under Penal Code section 4019 because the amended version was not in effect until October 1, 2011.